

IN THE COURT OF CRIMINAL APPEALS

FOR THE STATE OF TEXAS

MICHAEL JOSEPH BIEN

FILED
COURT OF CRIMINAL APPEALS
10/14/2016
ABEL ACOSTA, CLERK

VS.

Nos. PD-365-16 & PD-366-16

THE STATE OF TEXAS

MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S BRIEF

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

COMES NOW, Appellant, by and through his attorney, KEITH S. HAMPTON, and files this his *Motion for Extension of Time to File Appellant's Brief*, pursuant to Rules 9, 10 and 38.6 of the Texas Rules of Appellate Procedure, and in support thereof, would show the Court the following:

I.

Appellant was convicted of attempted capital murder in cause #CR22319 and on February 21, 2014, he was assessed a life sentence. He was also convicted in cause #CR22320 of solicitation to commit capital murder and assessed a life sentence, said sentences to run concurrently. Appellant's Motions for New Trial and In Arrest of Judgment were overruled by the trial court without a hearing on February 27, 2014. (RR Vol. 12 p. 7). Appellant timely perfected his appeal.

The Court of Appeals reversed the conviction and sentence for attempted capital murder and rendered an acquittal; however, the Court affirmed the judgment and sentence for solicitation. *Bien v. State*, __S.W.3d__ (Tex.App. Nos. 11-14-00057-

CR & 11-14-00058-CR – Eastland, delivered March 3, 2016). On May 3, 2016, Appellant filed Petitions for Discretionary Review, and on September 14, 2016, this Court granted Appellant’s petitions.

II.

The briefs in these cases are due on October 14, 2016. Besides the normal press of business, Appellant’s attorney has had said trial matters pending:

1. State v. Leslie Parker Jones, # D-1-DC-08-303025 and D-1-DC-08-303026, in the 331st District Court of Travis County;

2. State v. John Lewis, #D-1-DC-14-207448, in the 403rd District Court of Travis County;

3. State v. Susie Merrill, #D-1-DC-14-302523, in the 450th District Court of Travis County;

4. State v. Jacob Minton, #D-1-DC-15-206679, in the 450th District Court of Travis County;

5. State v. Johnny James Reed, # C-1-CR-15-212345, in the Travis County Court #4;

6. State v. Jacquelyn Theodor Smith, #C-1-CR-15-212627, in the Travis County Court #5;

7. State v. Caley Lauren Thompson, #C-1-CR-202874, in the Travis County Court #3; and

8. State v. Kevin Art Underwood, # C-1-CR-12-500129, in the Travis County Court #7.

In addition, counsel is investigating or preparing habeas applications in the following cases:

1. Ex parte Gregory Kelly, from Williamson County;

2. Ex parte Todd Warren, from Williamson County;
3. Ex parte Kyle Pledger from Bexar County; and
4. Ex parte Bruce Perkins from Harris County.

III.

Appellant's attorney seeks thirty days additional time to file his brief. This Motion is the first request for extension of time.

PRAYER

Wherefore, premises considered, undersigned counsel prays this Court to extend the time for filing Appellant's brief thirty additional days from Friday, October 14, 2016, which would make the brief due on Monday, November 14, 2016.

Respectfully submitted,



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Counsel for Appellant

By affixing my signature above, I hereby certify that a true copy of *Appellant's Motion for Extension of Time to File Appellant's Brief* has been electronically delivered, via Efile Texas, to:

Elisha Bird (elisha.bird@browncountytexas.org)
Micheal Murray, District Attorney
Brown County Courthouse
200 South Broadway
Brownwood, TX 76801

on this day, October 14, 2016.